

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 03/04816

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A61K9/00 A61K31/465

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, BIOSIS, EMBASE, MEDLINE

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P, Y	WO 02 066016 A (LOHMANN THERAPIE SYST LTS ;KRUMME MARKUS (DE); BRANDT PETRA (DE);) 29 August 2002 (2002-08-29) the whole document page 8, line 4-8 page 17, line 29 -page 18, line 9 claim 12 --- -/--	1-18

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *8* document member of the same patent family

Date of the actual completion of the international search

4 September 2003

Date of mailing of the international search report

18/09/2003

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PCT/EP 03/04816

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 380 367 A (STAFFORD MILLER LTD ;STAFFORD MILLER CONTINENTAL NV (BE)) 1 August 1990 (1990-08-01)	1-18
Y	the whole document page 4, line 53 -page 5, line 7 page 5, line 43-57 examples 1-9 example 3 claims 1-9 page 9, line 44 abstract	1-18
X	EP 0 539 215 A (STAFFORD MILLER CONTINENTAL NV ;STAFFORD MILLER LTD (GB)) 28 April 1993 (1993-04-28)	1-18
Y	the whole document page 2, line 37,38 - line 53,54 page 3, line 6-46 page 4, line 27,28 examples 1-13 example 5 page 6, line 50,51 claims 1-10	1-18
Y	DUNNETT P C ET AL: "STUDY OF THE FATE OF BRONOPOL AND THE EFFECTS OF ANTIOXIDANTS ON N NITROSAMINE FORMATION IN SHAMPOOS AND SKIN CREAMS" INTERNATIONAL JOURNAL OF COSMETIC SCIENCE, vol. 6, no. 5, 1984, pages 241-248, XP009016766 ISSN: 0142-5463 the whole document abstract	4
A	US 6 183 775 B1 (VENTOURAS KIMON) 6 February 2001 (2001-02-06) the whole document	1

INTERNATIONAL SEARCH REPORT

International application No.

EP03/04816

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.: --
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:

see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
☐ No protest accompanied the payment of additional search fees.

Continuation of I.2

The current Claims 1-2 and 15 relate to a product and method defined by the following parameters:

P1: the preparation has a peroxide number of at most 40 (or 15 or 5).

The use of these parameters in the given context has to appear as lacking in clarity (PCT Article 6). It is impossible to compare the parameters selected by the applicant with the relevant prior art disclosure. The lack of clarity is such as to make it impossible to conduct a meaningful complete search. The search was therefore limited to the antioxidants in Claim 4. The general concept underlying the present invention was thus taken into account.

The current Claims 1-2 and 15 relate to a product and method defined by a desirable characteristic or property, namely "the preparation has a peroxide number of at most 40 (or 15 or 5)".

The claims therefore encompass all products, etc., that have this characteristic or property, but the application provides support by the description (PCT Article 5) for only a limited number of such products, etc. In the present case the claims lack the proper support and the application lacks the requisite disclosure to such an extent that it appears impossible to carry out a meaningful search covering the entire range of protection sought. Moreover, the claims also lack the requisite clarity (PCT Article 6) since they attempt to define the product in terms of the desired result. This lack of clarity too is such that it is impossible to carry out a meaningful search covering the entire scope of protection sought. Therefore, the search was directed to the parts of the claims that appear to be clear, supported or disclosed in the above sense, that is the parts concerning the antioxidants in Claim 4. The general concept underlying the present invention was thus taken into account.

The applicant is advised that claims or parts of claims relating to inventions in respect of which no international search report has been established normally cannot be the subject of an international preliminary examination (PCT Rule 66.1(e)). In its capacity as International Preliminary Examining

Authority the EPO generally will not carry out a preliminary examination for subjects that have not been searched. This also applies to cases where the claims were amended after receipt of the international search report (PCT Article 19) or where the applicant submits new claims in the course of the procedure under PCT Chapter II.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 03/04816

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 02066016	A	29-08-2002	DE 10107659 A1 WO 02066016 A2	05-09-2002 29-08-2002
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